

**IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**JANET KERR,**

3361 Huntsberger Drive,  
Norton, Ohio 44203

Plaintiff,

vs.

**ORRVILON, INC.,**

c/o its Statutory Agent  
Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus, Ohio 43215

and

**HOLTEC INTERNATIONAL**

c/o its Statutory Agent  
Corporation Service Company  
50 West Broad Street, Suite 1330  
Columbus, Ohio 43215

Defendants.

) CASE NO.

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) JUDGE

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) **COMPLAINT**

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) **Plaintiff demands a trial by jury on all  
issues triable of right by a jury, pursuant  
to Fed. R. Civ. P. 38.**

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**INTRODUCTION**

1. Plaintiff Janet Kerr (“Kerr”) is an Ohio citizen.
2. Defendant Orrvilon, Inc. (“Orrvilon”) is and was a Delaware corporation conducting business in the United States and the State of Ohio.
3. Defendant Holtec International (“Holtec”) (collectively with Orrvilon, “Defendants”) is and was a Delaware corporation conducting business in the United States and the State of Ohio, including as, upon information and belief, the sole parent company and owner of Orrvilon.

4. Kerr is a “person” and an “employee” as defined and used in the Family Medical Leave Act, 29 U.S.C. §§ 2601 *et seq.* (the “FMLA”).

5. Defendants are “individuals” and “employers” as defined and used in the FMLA.

6. This suit is authorized and instituted pursuant to the FMLA. Jurisdiction is conferred by 28 U.S.C. § 1331, based on federal questions presented under the FMLA.

7. Jurisdiction additionally is proper pursuant to 28 U.S.C. § 1332.

8. Venue is proper in the Northern District of Ohio pursuant to 28 U.S.C. § 1391 because, among other reasons, a substantial portion of the events giving rise to the claims below arose and Kerr resides in this judicial district.

9. Defendants hired Kerr in or about 2014.

10. At all times relevant hereto, Kerr was qualified for the positions she held with Defendants.

11. Defendants terminated Kerr’s employment on or about September 12, 2017.

**FIRST AND SECOND CAUSES OF ACTION**  
**(Family and Medical Leave Act Interference and Retaliation)**

12. Kerr incorporates by reference the foregoing as if fully re-alleged herein.

13. During the course of her employment, Kerr suffered from one or more serious health conditions within the meaning of 29 U.S.C. § 2611.

14. Defendants knew of Kerr serious health condition(s) and the medical necessity of Kerr taking medical leave for treatment.

15. At all times relevant hereto, Kerr was an eligible employee within the meaning of 29 U.S.C. § 2611.

16. Kerr provided Defendants with notice of her need for leave as was practicable under the circumstances.

17. Defendants interfered with Kerr's FMLA leave, and terminated Kerr's employment because she had requested and taken a period of leave to which she was entitled under the FMLA.

18. Kerr complained to Defendants about conduct of Defendants that she reasonably and in good faith believed to be retaliation based upon her use of FMLA leave during her employment.

19. Defendants refused to consider Kerr for reinstatement to her former position and other open positions for which she was qualified because she had requested and taken a period of leave to which she was entitled under the FMLA.

20. Defendants' aforementioned conduct was undertaken, in whole or in part, in interference of and retaliation for Kerr's exercise of her rights under the FMLA in violation of 29 U.S.C. § 2615, for which Defendants are liable for economic damages, pre-judgment interest, and attorneys' fees and costs in accordance with 29 U.S.C. § 2617.

21. Defendants' conduct was not undertaken in good faith and renders Defendants liable for liquidated damages and related costs and expenses in accordance with 29 U.S.C. § 2617.

### **PRAYER FOR RELIEF**

Kerr seeks judgment against Defendants in an amount in excess of \$75,000 to fully, fairly and justly compensate her for injury, damage and loss, and respectfully prays that this Court enter judgment in her favor and award her past and future economic and non-economic

compensatory damages, front pay, fringe benefits, liquidated damages, interest, all reasonable attorneys' fees, costs and expenses, and any additional legal or equitable relief available under law, including but not limited to back pay, future losses, reinstatement and promotion.

Respectfully submitted,

/s/ Daniel P. Petrov

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